



# MONTGOMERY McCracken

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September 5, 2023

Hon. Evelyn Padin, U.S.D.J.  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: **In the Matter of the Verified Petition of American Maritime Services  
of New York to Preserve Evidence in Aid of Anticipated Litigation  
Pursuant to Rule 27 Fed. R. Civ. P.  
Civil Action No. 2:23-cv-04109-EP-JRA**

Dear Judge Padin:

Pursuant to the Court's August 16, 2023, Text Order (Document No. 33), and with the consent of all parties, I am writing on behalf of Respondent Grimaldi Deep Sea S.P.A., to advise the Court that the Rule 27 deposition of crew member, Darne Cabungcal (Electrician), was completed on Friday September 1, 2023, and he will, by mutual agreement of the parties, now leave the jurisdiction of the Court. I must add that Mr. Cabungcal reports that his dear mother passed away over the weekend and that he wants to return to the Philippines as soon as possible to attend her funeral. I expect that his employer will be making travel arrangements today.

Respectfully submitted,

*John J. Levy*

John J. Levy

JJL:med

Enclosures

cc: All Counsel of Record *via ECF notification*

**MONTGOMERY McCracken WALKER & RHOADS LLP**

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A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP  
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